

REMARKS

In the foregoing amendments, claims 1, 4-7, and 9-14 were amended; claims 2, 3, and 8 were canceled; and claims 15-19 were added to the application. Accordingly, claims 1, 4-7, and 9-19 are in the application for consideration by the examiner.

In the parent application, the teachings of U.S. patent No. 5,916,376 of Fukuno *et al.* (Fukuno) were cited against applicant's claims. Applicant respectfully submits that the teachings of Fukuno do not disclose or suggest the invention as set forth in claims 1, 4-7, and 9-19 within the meaning of 35 U.S.C. § 102 or 35 U.S.C. § 103.

Amended claim 1 requires an amount of Sm greater than 7.1 at %. Magnet powder 105 discussed in Fukuno requires, *inter alia*, 7 at % of Sm. Applicant respectfully submits that since claim 1 and magnet powder 105 of Fukuno require mutually exclusive amounts of Sm, claim 1 and the claims that depend thereon are patently distinguishable from the teachings of Fukuno.

Since magnet powder 105 of Fukuno is a prior art alloy as discussed therein, applicant respectfully submits that one of ordinary skill in the art would not be motivated to modify the amount of Sm (equal to 7 at %) in this prior alloy to another amount of Sm, such as that set forth in the present claims. Similarly, applicant respectfully submits that one of ordinary skill in the art would not be motivated to eliminate Zr from the composition of Fukuno, as required in claim 1. The teachings of Fukuno are characterized by choosing a high Zr-content resulting in the formation of α -Fe in the magnet material and

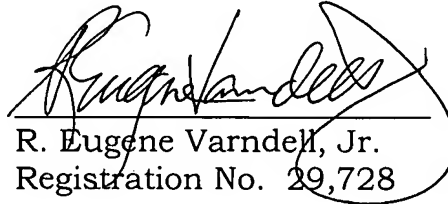
a relatively high roll-speed of quenching molten alloy (spherical speed: 50 m/sec or higher), so that good magnetic properties may be obtained. Thus, eliminating Zr from the alloy proposed in Fukuno is in direct contrast to these teachings. For such reasons, applicant respectfully submits that it is impossible for the teachings of Fukuno to motivate one of ordinary skill in the art to the invention set forth in the present claims.

In addition, it is respectfully noted that magnet powder 105 of Fukuno has a very poor coercive force ($H_c J$) as 0.9 kOe. Accordingly, one of ordinary skill in the art would not be motivated to use such a material or to modify such a material. This is especially true because the other examples in Fukuno have a much higher coercive force of 7-10 kOe. The low coercive force of magnet powder 105 of Fukuno appears to be caused by an extremely large grain diameter of 200 nm. In contrast thereto and in the presently claimed invention, the grain diameters are usually in the range of 20-30 nm and can be up to 100 nm.

In view of the foregoing amendments and remarks, favorable consideration and a formal allowance of claims 1, 4-7, and 9-19 are respectfully requested. While it is believed that the present response places the application in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolved any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which may become due, may be charged to our deposit account No. 22-0256.

Respectfully submitted,
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